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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,390	10/17/2003	Darren Saravis	70288.020800	1292

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EXAMINER
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TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,390

Applicant(s)

SARAVIS, DARREN

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 3/28/2005.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,792,319 to Svagerko.

Svagerko discloses a snap together attachment system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches 22/32 and catches 24/34 with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, and a receiving catch formed on the edge of one or more of the panels through which a latch closure can mate.

In regard to the “whereby” clause, it has been held that the functional “whereby” statement does not define any structure and accordingly cannot serve to distinguish. *In re Mason*, 114 USPQ 127, 22 CCPA 937 (1957).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svagerko.

Svagerko discloses all the elements as discussed above except for at least one panel is not substantially the same size and shape as the other panel.

However, providing panels having different sizes and shapes in order to construct a structure of various sizes and shapes is well known in the art. Therefore, it would have been obvious and well within the level to modify the structure of Svagerko by having at least one panel being not substantially the same size and shape as the other panel in order to construct a structure of various sizes and shapes.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svagerko in view of Slocum et al.

Svagerko discloses a snap together attachment system comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches 22/32

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and catches 24/34 with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, and a receiving catch formed on the edge of one or more of the panels through which a latch closure can mate. The different being that Svagerko fails to disclose the latch and catch being provided on a panel cover.

Slocum et al discloses a snap together modular storage system comprising all the elements recited in the above listed claims including (1) a plurality of panels each with four edges, four corners, a front side and a back side; (2) alternating plastic latches and catches with “deformable” slot walls formed near the corners each extends at approximately a 45 degree angle from the front and back sides, an alignment stop formed as part of each latches, and a corner buttress, with a support edge, formed at the junction of a latch and catch on adjacent sides of a corner, the support edge of each adjacent corner buttresses contact each other and form a larger corner support, figs 54-75. Slocum et al further teaches the idea of providing the latch and catch on a removable panel cover, supported one a front side of the panel cover, such as shown in Figs 1-16, means for attaching the panel cover to one of said panels, wherein providing the latch and catch on a removable panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the modular system by choosing the desired type, material and size of the panel element and then combining it with the panel covers.

Therefore, it would have been obvious to modify the structure of Svagerko by providing a removable panel cover having latches and catches provided thereon and means for attaching the panel cover to one of said panels; wherein providing the latch and catch on a removable

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panel cover increases the overall versatility of the snap together attachment system by allowing a user to customize the snap together attachment system by choosing the desired type, material and size of the panel element and then combining it with the panel covers, as taught by Slocum, since both teach alternate conventional snap together arrangement structure, used for the same intended purpose of constructing a structure, thereby providing structure as claimed.

***Response to Amendment***

8. In the Amendment filed on 3/28/2005, applicant stated that claims 15-16 are withdrawn; however, the examiner considered that applicant's intent is to cancel claims 27-36.

***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sorensen, Engel, Penner, and Mayr all show structures similar to various elements of applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*  
June 26, 2005

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
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*Lanna Mai*